
Practice Standards

for

Special Needs Agreements



Ministry of
Children and Family Development

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Introduction

This document sets out the Ministry's practice standards for Special Needs Agreements. It is intended primarily for the use of Community Living service workers.

Under section 7 of the *Child, Family and Community Service Act*, a Special Needs Agreement (SNA) *may* be entered into with a child's parent in order to meet the day-to-day needs of a child in the Director's care.

Special Needs Agreements are intended for use in Community Living offices, with limited applicability in Child Protection/Family Services offices. They are used when a child, as a result of a significant impairment associated with an ongoing physical, cognitive, communicative and/or emotional/behavioral condition, requires specialized care and support outside of the child's home. An SNA is only to be used after it has been determined that the family is not able to meet the needs of the child within the family with available support services. These agreements are voluntary and require the consent of the parties involved.

What are practice standards?

Practice standards are statements that describe an expected level of performance. The practice standards in this document state what children, families, service providers and the public can expect of child welfare practice regarding Special Needs Agreements in British Columbia.

Legislation and other practice standards that guide Special Needs Agreements

Special Needs Agreements are guided both by provisions of the *Child, Family and Community Service Act* and by the practice standards described below.

Legislation

Special Needs Agreements are to be administered so that the safety and well-being of children are paramount considerations. Agreements are guided by sections 2, 3, and 4 of the *Child, Family and Community Service Act* which provide guiding principles, service delivery principles, and factors to be considered in determining the best interests of a child. Specifically, agreements are to be guided by the following principles of the Act:

- Children are entitled to be protected from abuse, neglect and harm or threat of harm.
- A family is the preferred environment for the care and upbringing of children, and the responsibility for the protection of children rests primarily with the parents.
- If, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided.
- All decisions should respect the importance of continuity in the child's care.
- The child's views should be taken into account when decisions relating to a child are made.
- Kinship ties and a child's attachment to the extended family should be preserved if possible.
- The cultural identity of aboriginal children should be preserved.
- Decisions relating to children should be made and implemented in a timely manner.
- Families and children should be informed of the services available to them and encouraged to participate in decisions that affect them.

- Aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children.
- Services should be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services.
- Services should be integrated wherever possible and appropriate, with services provided by other ministries and community agencies.
- The community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventative and support services to families and children.
- Decisions should take into consideration the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship.

Practice Standards

In addition to the practice standards in this document, Special Needs Agreements are guided by the following practice standards:

Practice Standards for Guardianship

Practice Standards for Guardianship outlines policy and procedures that direct guardianship practice in British Columbia. Section 4 of *Practice Standards for Guardianship* provides a clear picture of what is expected of guardianship workers, as well as procedures regarding the implementation of a comprehensive plan of care. All agreements with a duration of 30 days or more must include a comprehensive plan of care.

1. Deciding Whether to Use a Special Needs Agreement

The first consideration in deciding whether to use a Special Needs Agreement is whether a less disruptive way of assisting the parent to look after the child is available and appropriate. If no less disruptive alternative is available and appropriate, then an SNA may be used if the criteria listed below are met.

Considering less disruptive ways

The responses available to support children and families form a continuum, from those that are less disruptive to the child to those that are more disruptive. On this continuum, Special Needs Agreements represent a more disruptive way. They may be used where it can be demonstrated that less disruptive ways have been attempted (where they are available) or are not considered appropriate in the circumstances.

PRACTICE STANDARD 1

ALTERNATIVES TO A SPECIAL NEEDS AGREEMENT

Before entering into an SNA, all reasonable and available alternatives to having the child come into care must be explored with the parent and, where appropriate, the child, and then documented on file.

Before a child is brought into care under an SNA, careful consideration should be given to all other ministry and community/family resources and services available to meet the child's and family's needs. The continuum of alternatives available is shown in Appendix 1.

Criteria for an SNA: Community Living offices

The following criteria must be met before an SNA is entered into:

- It is believed there are no child protection concerns as stated in section 13 of the Act. SNAs are not to be used for child protection.
- The agreement is in the child's best interests.
- Less disruptive ways have either been attempted (where they are available) or are not considered appropriate in the circumstances.
- The child has documented "special needs," and the child's impairment is severe, long-standing and expected to be long-term.

A special need is a documented significant impairment associated with an ongoing physical, cognitive, communicative and/or emotional/behavioral condition that requires specialized care and support. In order to determine whether a child has a special need, a comprehensive assessment must be completed by a qualified professional with expertise in the area of child development and/or the parent must provide relevant information on the needs of the child and consent to or provide a developmental and medical assessment of the child.

- Integrated case management has been considered in planning for the child.
- The child's views have been taken into consideration.
- The parent will maintain regular and significant contact with the child.
- The parent agrees to enter into a maintenance agreement as required (refer to *Practice Standards for Maintenance Agreements*).
- The plan of care indicates that placement of the child is in the child's best interests.
- The parent consents to the disclosure of the information necessary to assess the family's circumstances including the parent's capability to care for the child at home.

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Criteria for an SNA: Child Protection/Family Services offices

An SNA may be used by Child Protection/Family Service offices only in exceptional circumstances where no less disruptive alternative is available or appropriate, and the following criteria have been met and documented:

- The child is under 16 years of age.
- The child is at risk of harming self or others.
- The criteria for the use of SNAs by Community Living offices (page 4) have been met.

Note: An SNA should not be used as a means to extend a child's time in care when the maximum term of a voluntary care agreement has expired

2. Preparing for an agreement

See Appendix 3 for a checklist of the tasks involved in preparing for and entering into an agreement.

Linking the child's comprehensive plan of care to the SNA

A comprehensive plan of care is required for every child who comes into care for 30 days or more, in accordance with Practice Standard for Guardianship #21. The plan of care is a written document that details the services and interventions that will meet the needs of the child (see Practice Standards for Guardianship #20 and 21).

PRACTICE STANDARD 2

GOAL OF A SPECIAL NEEDS AGREEMENT

A Special Needs Agreement must include an assessment of the child's behaviour or condition, and specialized care needs that are beyond the capability of the parent to manage without an out-of-home placement and the services provided through an SNA. This assessment must be documented on the FH file.

It is important that the following information be documented on file with the SNA:

- goals for the child
- the services the family has agreed upon to achieve the established goals
- details of services and the out-of-home placement
- time frames
- the responsibilities of the parents, the director and others, including the care providers and service providers, in achieving the goals of the agreement
- the responsibilities of the child, where appropriate, under the agreement
- details of arrangements for contact between parent and child
- confirmation of whether the parent will resume care of the child when the agreement ends or whether the agreement needs to be revised and presented to the Placement Review Committee for renewal
- for those with children who will be approaching age 19 in care, confirmation with the parent that they have been informed of the mandate of Adult Community Living Services, specifically the eligibility criterion for adults with a mental handicap

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Time Limit for Developing the Plan of Care

Guardianship Practice Standard 21 requires that a comprehensive plan of care be developed within 30 days of a decision to bring a child into care. Whenever possible the plan of care should be developed before the SNA is signed.

Interim Plan of Care

If it is not possible to develop the plan of care prior to signing the SNA, an interim plan should be agreed to with the parent and, where appropriate, the child and a representative of the child's aboriginal community.

Involving the child

The degree of the child's involvement in developing the agreement will depend upon the child's capabilities. (See Practice Standard for Guardianship #5 for a description of the social worker's responsibilities for consulting with a child and actively seeking the child's views.) Wherever possible, support should be provided to assist the child over 12 with special needs to participate in planning.

You may not enter into a SNA with a parent if the child with capability refuses to consent to the agreement. In this case, and as appropriate, you may offer services to the family and youth, including:

- referral to community agencies and services, where available
- referral for a youth agreement

In such cases, the child's need for protection may need to be assessed by a child protection worker, and required court intervention may be sought, which may include in-home protective services, a supervision order without removal, or removal.

Involving the parent

The role of the parent is to:

- explore all reasonable and available options within the family or family support system which would meet the child's needs without the child coming into care
- participate in services designed to prevent the need for an in-care placement
- make a commitment to a continuing guardianship role
- make a commitment to financially support the child as required
- participate in the development and implementation of the plan of care for the child
- maintain contact with the child as set out in the agreement

If a child is aboriginal

The SNA should respect the need to preserve the child's cultural identity. Advise the parent of services available through the aboriginal community and involve the aboriginal community in planning the agreement. (See Practice Standards for Guardianship #8 and 9 for a discussion of the role of the child's aboriginal community.)

If you don't have consent to aboriginal community involvement, consider the service delivery principles of the Act and determine whether an agreement can be made that is in the best interests of the child without involving the aboriginal community.

If the child resides on an Indian Reserve, or has access to off-reserve services from a First Nations child welfare agency, consider:

- the potential for other culturally appropriate services to be provided to the family by the band or First Nations organization
- if provided, the potential for those services to reduce the child's need for placement outside the child's home under an SNA

3. Entering into an agreement

With the parent and where appropriate the child, prepare the agreement, in accordance with the legislation and the regulations. Before entering into an agreement:

- Agree on the **initial term** of the SNA. This initial term must not exceed 6 months, and can be renewed for terms of up to 12 months each.. Entering into an initial agreement for the maximum period permitted is not necessarily in the child's best interest. Maximum periods should only be used where absolutely necessary. (For renewals, see page 10.)
- Agree on the transfer of guardianship authorities from the parent (e.g., consent to necessary health care).
- Review medical coverage with the parent.
- Review the terms of the agreement and any commitments made by you and by the parent. Agree on the number of days notice required if the parent wishes to terminate an agreement. (The parent must receive at least 7 days notice if the agreement is being terminated.)
- Review the effect of the agreement with the child with capability.
- Complete a Maintenance Agreement in all cases where required (refer to *Practice Standards for Maintenance Agreements*).
- Advise the parent that she or he will not receive the Federal Child Tax Benefit, nor the provincial Family Bonus benefits during the time her or his child is in care and advise the parent to contact Revenue Canada with any questions.

PRACTICE STANDARD 3

MAINTENANCE AGREEMENT REQUIREMENT

A Maintenance Agreement must be completed for every Special Needs Agreement where it is determined that the parent is required to contribute financially for the care of her/his child while in the Director's care.

Obtaining approval for an SNA

You will require the approval of your supervisor and the Placement Review Committee before signing an SNA.

PRACTICE STANDARD 4

ROLE OF SUPERVISORS

The supervisor must review and agree to the proposed SNA and Maintenance Agreement prior to presenting these agreements to a Placement Review Committee for approval.

APPROVAL BY THE PLACEMENT REVIEW COMMITTEE

A Special Needs Agreement must be approved by the Placement Review Committee before a child can be placed in a resource approved by the Director.

Where the Placement Review Committee does not include a manager, the agreement must be approved by a manager.

In emergency situations, an agreement for no more than 14 days may be made without the approval of the Placement Review Committee but subject to the approval of the appropriate supervisor.

An agreement made in an emergency situation must be reviewed by the Placement Review Committee before the end of the initial 14-day period if the agreement is to be extended.

The role of the Placement Review Committee

The Placement Review Committee assists social workers in structuring plans of care and placement requests and is responsible for ensuring regional placement resources are used effectively.

The Placement Review Committee:

- reviews and approves requests for Special Needs Agreements
- reviews and approves requests for placement in contracted resources
- reviews and approves plans for children and youth placed in contracted resources to determine need for continued placement
- reviews and approves Maintenance Agreements that accompany Special Needs Agreements
- documents and provides clear rationale for placement decisions

Once the agreement is signed

Upon completion, give a copy of the SNA and the plan of care to:

- the parent
- the child 12 years or older, unless the information may cause harm to the child
- the care provider, with consent or, on a "need to know" basis, without consent
- the aboriginal community if involved, and only with the consent of the parent

Consent means the consent of a parent of a child under 12 or the consent of both the parent and a child 12 years or older. If the child 12 years or older does not have capacity, the parent may consent on behalf of the child. For this child, consent should be obtained before the agreement is signed.

Only the parent receives a copy of the completed Maintenance Agreement form.

Inform the child over 12 with capability about her or his rights under section 70 of the Act.

The SNA and the Maintenance Agreement take effect the first day the child is in care and terminate on the day the child leaves care. The start and end dates of these two agreements must be identical.

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4. Monitoring, reviewing and renewing an SNA

Keeping the parent informed and involved

PRACTICE STANDARD 6

MAINTAINING PARENTAL INVOLVEMENT

The parent must be kept involved in decisions affecting the child and informed in a timely manner about significant developments in the child's life.

Parents should be given every opportunity to be kept involved in and informed about significant decisions relating to the child. As appropriate, these may include:

- plan of care meetings (being informed about and participating in the meetings)
- changes in the child's out-of-home living arrangements
- necessary health care unless the child consents to health care under section 17 of the *Infants Act*
- significant events or accidents in the child's life
- accomplishments at school and in social and recreational activities
- any other items specified in the agreement

Reviewing and amending an agreement

An SNA may be reviewed at any time on the request of the child, the parent, the social worker, and if involved a representative of the child's aboriginal community. The agreement is reviewed with the parent and the child and amended or terminated when:

- the agreement is no longer in the best interests of the child
- the agreement no longer meets the child's needs as outlined in the plan of care
- there is non-compliance with the terms of the agreement
- there is a significant change in the child's circumstances, including changes in the child's out-of-home living arrangements
- a less disruptive way of assisting the parent to care for the child becomes available

Reviewing an agreement prior to expiration

At least two weeks prior to the expiration of an agreement, meet with the parent and child to:

- Review the child and family's progress with the plan of care.
- Review the child's needs and the goals of the placement.
- Consider whether a less disruptive way of assisting the parent to care for the child is now available and the agreement can be terminated.
- Decide whether to renew the agreement.
- Agree on the services required to assist in the child's transition to home, if the agreement is not renewed.



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- Decide whether to renew the agreement.
- Agree on the services required to assist in the child's transition to home, if the agreement is not renewed.

Renewing an agreement

You may renew an agreement with the parent and the child. When considering renewal, keep in mind that:

- The criteria for an SNA must continue to be met.
- All renewals must be approved as specified in practice standards #4 and #5 in this document.
- An SNA cannot be negotiated for longer than the periods specified under section 7(4) of the Act.
- The maximum period allowed for agreements is not necessarily in the child's best interests. Agreements should not be for a period longer than is absolutely necessary.

5. Terminating an agreement

You may terminate an agreement by giving at least 7 days written notice to the parent, as set out in the agreement, when:

- The parent is not complying with the agreement or the plan of care.
- The child refuses to reside in the placement or comply with the plan of care.
- There is a change in the custodial parent as a result of a court order.
- The circumstances that led to the child coming into care have been resolved.
- The agreement is no longer in the child's best interests.

The parent may terminate the agreement by notifying you verbally or in writing within the time frame specified in the agreement.

An SNA is automatically terminated whenever:

- The child is removed under section 30 of the Act or comes into care under section 29 of the Family Relations Act.
- The agreement expires (including a 30-day extension).
- The child reaches age 19.
- The child dies.
- The child marries.

When to initiate a referral to Child Protection

Consult with your supervisor to determine whether to make a referral to Child Protection for protection proceedings under Part 3 of the Act when:

- The agreement has been expired for 30 days and the parent is unwilling or unable to resume care of the child.
- There is no plan to renew the agreement as the parent's whereabouts are unknown.
- It is believed that the child needs protection and the agreement no longer protects the child.

Appendix 1: Continuum of responses available to assist children and families

Less Disruptive

Broad-based community support services and resources such as:

- self help
- parent support groups
- peer counselling

Specialized services and resources such as

- non-residential support services (homemakers, home support services, child and youth care workers, etc.)
- child care or supported child care
- professional support services
- respite, including At Home

Child stays with extended family or in the community through

- private arrangement
- referral to Child In Home of Relative program (MHR)
- an Agreement with Youth (not currently available)

Child placed in care by agreement

- where no less disruptive way available is adequate to meet the needs of the child and family.

More Disruptive

Appendix 2: Checklist for deciding whether to use an SNA

- ☐ No less disruptive way is available or appropriate to assist the parent to care for the child.
- ☐ The plan to have the child in care under an SNA is in the child's best interest as set out under section 4 of the Act.
- ☐ The child's special needs have been documented on the FH file.
- ☐ The parent agrees to enter into a Maintenance Agreement as required.
- ☐ The parent consents to the disclosure of the information necessary to assess the family's circumstances.
- ☐ The parent is committed to participate in services as part of the agreement, including maintaining contact with the child as specified in the agreement.

Appendix 3: Checklist for Preparing an Agreement

- ☐ Complete an SNA (Form S2592).
- ☐ Complete a Maintenance Agreement if the family's income qualifies.
- ☐ Complete a Consent to Disclosure of Information (Form C) if required.
- ☐ If the child is aboriginal, determine whether to involve the aboriginal community.
- ☐ Obtain the approval of your supervisor for the SNA and Maintenance Agreement.
- ☐ Obtain the approval of the Placement Review Committee for the SNA.
- ☐ Speak with or otherwise communicate with the child prior to signing the agreement to obtain and consider the child's views and explain the effect of an agreement.
- ☐ Provide the child or youth with a copy of the booklet *Know Your Rights: A guide for young people in care*, and provide assistance to explain the content of the booklet.
- ☐ Provide and review with the parent the pamphlet *Maintenance Agreements: A Guide for Parents* and the Information Sheet on Special Needs Agreements or comparable information provided by First Nations child welfare agencies.
- ☐ Plan the agreement with the child and parent, including establishing goals and identifying means to achieve those goals.
- ☐ Confirm that the services offered in an agreement are available, including out-of-home placement.
- ☐ Advise the parent of the option to seek independent legal advice before signing an agreement.
- ☐ Confirm with the parent the number of days notice required if the parent wishes to terminate the agreement and the number of days notice the parent can expect if the agreement is terminated.
- ☐ Advise the parent that she or he is not eligible to receive the Federal Child Tax Benefit or the provincial Family Bonus benefits for the child from the first day of the month following the child coming into care, and that the federal government may require the parent to return any money received for these benefits after that date. Advise the parent to contact Revenue Canada with any questions.
- ☐ Sign the SNA and Maintenance Agreement and have the parent and the child, if appropriate, sign the agreement.
- ☐ Provide a copy of the agreement to the parent, the child and, with consent, the care provider.
- ☐ Within 30 days of the child's admission to care, develop the child's first comprehensive plan of care.
- ☐ Ensure the plan of care includes information on where the child will be placed.

Renewing an agreement

- ☐ Review the child's situation at least two weeks before the agreement expires.
- ☐ Review and update the child's plan of care (refer to Practice Standards for Guardianship # 22).
- ☐ Have the renewal approved first by a supervisor and then by the Placement Review Committee.
- ☐ Sign a new SNA with the parent.
- ☐ Sign a new Maintenance Agreement (if required) with the parent.
- ☐ Forward the new SNA and Maintenance Agreement to Management Services Division.
- ☐ Complete the renewal at least two weeks before the existing agreement expires to ensure that the caregivers continue to receive payment and that the parents are correctly billed for maintenance.